U.S. Appln. No. 10/539,869
Reply to Office Action dated June 13, 2007

PATENT
450117-05660

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejection of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I.   STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-4, 6-11, 16, 17, 20 and 23-25 are pending in this application. Claims 1, and 11 are independent. Claims 1, 9, 11, and 25 are hereby amended. Claims 5, 12-15, 18, 19, 21, and 22 have been canceled without prejudice or disclaimer of subject matter. No new matter has been introduced. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

II.   REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1-8, 11, 16, 17, 19, 20, and 25 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 6,141,536 to Cvetkovic, et al. (hereinafter, merely "Cvetkovic") in view of U.S. Patent No. 6,792,258 to Nokes, et al. (hereinafter, merely "Nokes").

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Claim 9 was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Cvetkovic in view of Nokes and further in view of U.S. Patent No. 6,314,278 to Zamat. (hereinafter, merely "Zamat")

Claims 10 and 23 were rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Cvetkovic and Nokes and further in view of U.S. Pub. No. 2002/149707 to Van Der Wijst, et al. (hereinafter, merely "Van Der Wijst").

Claim 24 was rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Cvetkovic and Nokes and further in view of U.S. Pub. No. 2002/0150182 to Dogan, et al. (hereinafter, merely "Dogan").

Claim 1 recites, *inter alia*:

> "A method for monitoring DRM broadcast signals at alternative frequencies during reception of a DRM broadcast signal at a present frequency, said DRM broadcast signals including static data symbols during time slots and radio program data during time intervals, said time slots and said time intervals being arranged in a sequence, in which one time slot is followed by one time interval and vice versa, said method comprising:
>
> receiving radio program data at a present frequency during a first time interval with a receiver gain of a present gain value;
>
> switching to an alternative frequency during a first time slot,
>
> wherein during said first time slot said receiver's gain settles to a second gain value;
> switching to said present frequency during a second time interval;
>
> receiving further radio program data at said present frequency during a second time interval with a receiver gain of said present gain value;

> switching to said alternative frequency during a second time slot;
>
> instantaneously switching the receiver's gain from said present gain value to said second gain value;
>
> checking said broadcast signal at said alternative frequency during said second time slot..." (Emphasis added)

As understood by Applicant, Cvetkovic relates to an RDS receiver which has dual tuners and dual antennas and operates in two distinct modes, a diversity mode and a non-diversity mode. Diversity mode is when both tuners are tuned to a signal with the same program audio content and the audio from both tuners is blended together in a manner to minimize the effects of multipath distortion. In non-diversity mode, a forcing circuit isolates the tuner output signals so that one tuner provides the audio output while the other can be retuned to any other frequency for purposes of gathering RDS data.

As understood by Applicant, Nokes relates to a diversity receiver for receiving digital signals which has a soft-decision decoder in each of its receiving sections, to provide confidence values for the received decoded digital values, and combines the values from the receiving sections in dependence upon the confidence values. The system automatically switches between different types of diversity reception, e.g. frequency and spatial diversity, in dependence upon the received signal quality.

As understood by Applicant, Van Der Wijst relates to an interface module for receiving television signals or radio signals, having several inputs and outputs for receiving and distributing picture and sound signals as well as control signals and at least one input for receiving antenna signals.

As understood by Applicant, Dogan relates to spatial processing of received signals in radio communications systems and, in particular, to combining spatial processing, timing estimates and frequency offsets, to resolve a signal using a training sequence.

Applicant submits that Cvetkovic, Nokes, Zamat, Van Der Wijst and Dogan, taken either alone or in combination, fail to teach or suggest the above-identified features of claim 1.

Specifically, Cvetkovic, Nokes, Zamat, Van Der Wijst and Dogan fail to teach or suggest a method for monitoring DRM broadcast signals at alternative frequencies during reception of a DRM broadcast signal at a present frequency, said DRM broadcast signals including static data symbols during time slots and radio program data during time intervals, said time slots and said time intervals being arranged in a sequence, in which one time slot is followed by one time interval and vice versa. Cvetkovic and Nokes both deal with diversity radio systems or diversity reception methods and diversity receivers which use at least two tuners, which is not the case in independent claims 1 and 11, which both clearly state that a switching occurs between a present frequency and an alternative frequency. Such switching does not occur neither in Cvetkovic nor in Nokes during the reception of radio program data at a present frequency, since Cvetkovic as well as Nokes use the second tuner to order to derive reception information about alternative frequencies.

Thus, neither Cvetkovic nor Nokes disclose to switch to an alternative frequency during a first time slot, wherein during that first time slot said receivers gain settles to a second gain value, switching to that present frequency during a second time interval and switching to that alternative frequency during a second time slot, thereby instantaneously switching the

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receiver's gain from the present gain value to the second gain value and checking said broadcast signal at said alternative signal during the second time slot, as recited in independent claim 1.

Therefore, Applicants submit that independent claim 1 is patentable. For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claim 11 is also patentable.

III. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portion or portions of the reference or references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

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In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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